

TITLE 17 DEPARTMENT OF SOCIAL SERVICES AND HOUSING

SUBTITLE 5 HAWAII HOUSING AUTHORITY

CHAPTER 511

SECTION 8 EXISTING HOUSING PROGRAM

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Historical Note. Chapter 511 of Title 17, Administrative Rules, is substantially based upon Rule 21 of the Hawaii Housing Authority, Department of Social Services and Housing. [Eff: 8/02/76; RFEB 18 1982]

SUBCHAPTER 1

GENERAL PROVISIONS

§17-511-1 Purpose. These rules are adopted under chapter 91, HRS, and shall govern the implementation of the management requirements of the section 8, housing assistance payments program authorized by Section 8, U. S. Housing Act of 1937, as added by Housing and Community Development Act of 1974, and establishes the role and responsibility of the participants and the Hawaii housing authority, State of Hawaii. [Eff: FEB 18 1982] (Auth: HRS §§356-10, 356-21) (Imp: HRS §356-21)

§17-511-2 Definitions. As used in this chapter: "Applicant" means an individual that submits an application to participate in the program.

"Assets" means the equity in real property, savings, bonds, and other forms of capital investment.

"Authority" means the Hawaii housing authority.

"Certificate" means the same as Certificate of Family Participation as defined by 24 CFR 882.102.

"Contract rent" means the total rent payable to the owner under the contract for the dwelling unit.

"Displaced person" means a person displaced by governmental action or a person whose dwelling has been extensively damaged or destroyed as a result of a disaster declared or recognized pursuant to Federal disaster relief laws.

"Dwelling unit" means a residential unit accepted for lease in the program.

"Elderly" means the same as defined by 24 CFR 812.2.

"Eligible family" means a family that qualifies as a lower-income family and meets the requirements of the program.

"Family" means the same as defined by 24 CFR 812.2.

"Family income" means the total income received by a family from all sources during a twelve month period.

"Gross rent" means the contract rent plus allowances for utilities and other services.

"HUD" means the U. S. Department of Housing and Urban Development.

"Lower-income family" means the same as defined by 24 CFR 882.102.

"Participant" means the same as eligible family and was accepted and participating in the program.

"Program" means the section 8, housing assistance payment program for existing housing and new construction programs.

"Security deposit" means the deposit required by an owner from a participant for the costs of loss or damage to the dwelling unit.

"Utility allowance" means the quantity of utilities such as electricity, gas, and water costs that are included in the gross rent of the participant.

[Eff: FEB 18 1987] (Auth: 24 CFR 882.102 and 812.2)
(Imp: HRS §356-21)

§17-511-3 Public notice to lower-income families.

The authority shall inform the public of the availability and nature of housing assistance for lower-income families as set forth in 24 CFR 882.207. [Eff: FEB 18 1987]
(Auth: 24 CFR 882.207) (Imp: 24 CFR 882.204, HRS §356-21)

§17-511-4 Participation by owners and others.

The authority shall invite owners to make dwelling units available for leasing by eligible families as set forth in 24 CFR 882.208. [Eff: FEB 18 1987]
(Auth: 24 CFR 882.208) (Imp: 24 CFR 882.204, HRS §356-21)

§17-511-5 Income limits.

Income limits for a family's participation in the program shall not exceed the income limits established by HUD.
[Eff: FEB 18 1987] (Auth: 24 CFR 882.113 and 882.209)
(Imp: 24 CFR 882.204, HRS §356-21)

§17-511-6 Assets. All assets held by each member of an eligible family shall be determined to be as set forth in 24 CFR 889.103. [Eff: FEB 18 1982] (Auth: 24 CFR 889.103) (Imp: 24 CFR 882.204, HRS §356-21)

§17-511-7 Occupancy standards. Eligible families shall occupy the appropriate size dwelling unit in accordance with the exhibit at the end of this chapter entitled "Exhibit I, Occupancy Standards" dated April 24, 1981. The exhibit is made a part of this section. [Eff: FEB 18 1982] (Auth: 24 CFR 882.209) (Imp: 24 CFR 882.204, HRS §356-21)

§17-511-8 Utilities. The authority shall provide a schedule of allowances for utilities and other services as established and amended by HUD to the participant as set forth in 24 CFR 882.209. [Eff: FEB 18 1982] (Auth: 24 CFR 882.209) (Imp: 24 CFR 882.204, HRS §356-21)

§17-511-9 Verification of information. (a) the authority shall require an applicant or participating family to provide documentation to verify information relating to the program.

(b) An applicant that fails to comply with a requirement to provide documentation will be ineligible to participate in the program.

(c) A participant that fails to comply with a requirement to provide documentation shall be ineligible for further participation in the program. [Eff: FEB 18 1982] (Auth: 24 CFR 882.209) (Imp: 24 CFR 882.204, HRS §356-21)

SUBCHAPTER 2

ELIGIBILITY

§17-511-20 Applications. (a) A family seeking to participate in the program shall submit a completed application form as prescribed by HUD.

(b) The authority shall establish and maintain a waiting list of eligible applicants for certification as set forth in 24 CFR 882.207.

(c) The authority may suspend the acceptance of applications as set forth in 24 CFR 882.207.
[Eff: FEB 18 1982] (Auth: 24 CFR 882.207, 882.209 and 882.116) (Imp: 24 CFR 882.204, HRS §356-21)

§17-511-21 Eligibility for participation. (a) To be eligible for participation in the program, an applicant shall:

- (1) Qualify as a family;
- (2) Have a family income that does not exceed the HUD established income limits; and
- (3) Not have an outstanding debt owed to the authority; and
- (4) Not have an outstanding liability for unpaid rent or damages incurred while previously participating in the program.

(b) A participant shall not receive other rent supplement or housing benefits in accordance with 24 CFR 882.110 including state rent supplement payments authorized under part VI of chapter 359, HRS.

[Eff: FEB 18 1982] (Auth: 24 CFR 882.209) (Imp: 24 CFR 882.204, HRS §356-21)

§17-511-22 Preference. Eligible families shall be given preference for participation in the program in the following order:

- (1) Displaced persons; and
- (2) Other families in the order of the dates of their applications provided that the requirements set forth in 24 CFR 882.113 are met.

[Eff: FEB 18 1982] (Auth: 24 CFR 882.209) (Imp: 24 CFR 882.204, HRS §356-21)

§17-511-23 Certification. (a) Applicants determined to be eligible and selected for participation in the program shall be given a certificate as set forth in 24 CFR 882.209.

(b) Certificate holders shall be informed of their responsibilities as set forth in 24 CFR 882.209.

(c) A certified family shall be responsible for finding a qualified dwelling unit of appropriate size prior to the expiration of the certificate as set forth in 24 CFR 882.103.

(d) A certificate shall expire at the end of sixty days unless within that time, the family requests for a lease approval as set forth in 24 CFR 882.210.

(e) If a certificate expires or is about to expire, a family may request for an extension as set forth in 24 CFR 882.209. [Eff: FEB 18 1982] (Auth: 24 CFR 882.113, 882.209 and 882.210) (Imp: 24 CFR 882.204, HRS §356-21)

§17-511-24 Family income. The authority shall determine a family's income in accordance with 24 CFR 889.104. [Eff:FEB 18 1987] (Auth: 24 CFR 882.104) (Imp: 24 CFR 882.204, HRS §356-21)

§17-511-25 Ineligible applicants. An applicant determined to be ineligible for participation in the program shall be notified in writing by the authority and be accorded an opportunity to request for an informal hearing as set forth in 24 CFR 882.209. [Eff:FEB 18 1987] (Auth: 24 CFR 882.209) (Imp: 24 CFR 882.209, HRS §356-21)

§17-511-26 Reexamination. (a) The authority shall reexamine a family's income, composition and unusual expenses to determine the family's share of rent as required by 24 CFR 882.212.

(b) The authority may schedule a special reexamination at any time prior to the annual reexamination when deemed necessary.

(c) The participant and owner shall be notified in writing by the authority of the reexamination results. [Eff: FEB 18 1987] (Auth: 24 CFR 882.209) (Imp: 24 CFR 882.209, HRS §356-21)

§17-511-27 Continued assistance. A family's eligibility for continued assistance under this program shall be as set forth in 24 CFR 882.209 and 882.212.

SUBCHAPTER 3

LEASE

§17-511-35 Request for lease approval. A family finding a dwelling unit that an owner is willing to lease shall submit a request to have the lease approved by the authority as set forth in 24 CFR 882.210. [Eff: FEB 18 1987] (Auth: 24 CFR 882.210) (Imp: 24 CFR 882.206, HRS §356-21)

§17-511-36 Dwelling unit inspection. (a) Prior to approving a lease, the authority shall inspect the dwelling unit as set forth in 24 CFR 882.210.

(b) Dwelling units approved for lease in the program shall meet performance requirements and

acceptability criteria set forth in 24 CFR 882.109.
[Eff: FEB 18 1987] (Auth: 24 CFR 882.109 and 882.210)
(Imp: 24 CFR 882.204, HRS §356-21)

§17-511-37 Lease requirements. The authority shall determine whether a proposed lease meets the requirements set forth in 24 CFR 882.210. [Eff: FEB 18 1987] (Auth: 24 CFR 882.210) (Imp: 24 CFR 882.204, HRS §356-21)

§17-511-38 Lease approval. (a) If the authority determines that a dwelling unit is suitable for the program and the lease meets the requirements of the program, the owner and family shall be notified and a contract executed as set forth in 24 CFR 880.210.

(b) A lease shall not be for less than one year nor more than three years as set forth in 24 CFR 882.107.

(c) If the authority determines that a lease cannot be approved for any reason, the owner and family shall be notified as required by 24 CFR 882.210. [Eff: FEB 18 1987] (Auth: 24 CFR 882.107 and 882.210) (Imp: 24 CFR 882.204, HRS §356-21)

SUBCHAPTER 4

HOUSING ASSISTANCE PAYMENTS AND RENT

§17-511-45 Housing assistance payments. The authority shall make housing assistance payments to the owner on behalf of an eligible person as set forth in 24 CFR 882.105. [Eff: FEB 18 1987] (Auth: 24 CFR 882.105 and 889.101) (Imp: 24 CFR 882.105, HRS §356-21)

§17-511-46 Contract rents. (a) The contract rent for a dwelling unit accepted for lease in the program shall meet the requirements set forth in 24 CFR 882.106.

(b) Contract rents shall be adjusted as provided to in 24 CFR 882.108. [Eff: FEB 18 1987] (Auth: 24 CFR 882.106 and 24 CFR 882.108) (Imp: 24 CFR 882.204, HRS §356-21)

§17-511-47 Gross rents. The authority shall compute the gross family contribution in accordance with 24 CFR 889.105. [Eff: FEB 18 1982] (Auth: 24 CFR 889.105) (Imp: 24 CFR 882.204, HRS §356-21)

§17-511-48 Security deposits. (a) The participant shall be responsible for the payment of any security and utility deposit.

(b) The authority shall not be responsible for the payment of the security deposit unless provided for in 24 CFR 882.112. [Eff: FEB 18 1982] (Auth: 24 CFR 882.112) (Imp: 24 CFR 882.204, HRS §356-21)

SUBCHAPTER 5

OPERATIONS

§17-511-55 Inspections. The authority shall annually inspect each dwelling unit leased to a participant of the program as required by 24 CFR 882.109. [Eff: FEB 18 1982] (Auth: 24 CFR 882.211) (Imp: 24 CFR 882.204, HRS §356-21)

§17-511-56 Overcrowded or under occupied units. A participant shall be issued a new certificate if the authority determines that the dwelling unit does not meet the criteria for performance and health, as set forth in 24 CFR 882.109. [Eff: FEB 18 1982] (Auth: 24 CFR 882.213) (Imp: 24 CFR 882.204, HRS §356-21)

§17-511-57 Eviction. A participant shall not be evicted unless the requirements of local law and 24 CFR 882.215 are complied with. [Eff: FEB 18 1982] (Auth: 24 CFR 882.215) (Imp: 24 CFR 882.204, HRS §356-21)

§17-511-58 Termination of participation. (a) The authority may terminate a family's participation in the program when they have:

- (1) Failed to fulfill their obligations under the certificate; or
- (2) Been determined to have engaged in a fraudulent act to circumvent the operational or eligibility requirements of this program.

(b) A participant found to be ineligible for continued participation in the program shall be notified in writing by the authority and be accorded an opportunity to request an informal hearing as set forth in 24 CFR 882.209.

SUBCHAPTER 6

MISCELLANEOUS PROVISIONS

§17-511-65 Severability. If any part, section, sentence, clause, or phrase of this chapter, or its application to any person or transaction or other circumstances is for any reason held to be unconstitutional or invalid, the remaining parts, sections, sentences, clauses, and phrases of this chapter, or the application of this chapter to other persons or transactions or circumstances shall not be affected. [Eff: FEB 18 1982] (Auth: HRS §356-10) (Imp: HRS §356-10)

§17-511-66 Number. The use of all words used in the singular shall extend to and include the plural. [Eff: FEB 18 1982] (Auth: HRS §356-10) (Imp: HRS §1-17)

Dated: April 24, 1981

EXHIBIT I

"OCCUPANCY STANDARDS"

1. In determining the appropriate size dwelling unit to be occupied by a tenant, the following criteria for the number of bedrooms should be applied:

<u>Number of Bedrooms</u>	<u>Minimum Number of Persons</u>	<u>Maximum Number of Persons</u>
0	1	1
1	1*	2
2	2	4
3	4	6
4	6	8
5	8	10
6	10	12

*A certificate for a 1 bedroom unit would be assigned to a single person household only when there are no (0) bedroom dwellings in the program or when there are no (0) bedroom dwellings readily available in the area.

2. The appropriate dwelling unit size to be occupied by the tenant should not require that
 - (a) more than two persons occupy the same bedroom;
 - (b) persons of the opposite sex, except for husband and wife or children less than three years of age, occupy the same bedroom

§17-511-47 Gross rents. The authority shall compute the gross family contribution in accordance with 24 CFR 889.104 as amended on August 1, 1982. [Eff. 2/18/82; am JUL 01 1983] (Auth: 24 CFR 889.104) (Imp: 24 CFR 882.204, HRS §356-21)

§17-511-2 Definitions. As used in this chapter:
"Applicant" means an individual that submits an application to participate in the program.

"Assets" means the equity in real property, savings, bonds, and other forms of capital investment.

"Authority" means the Hawaii housing authority.

"Certificate" means the same as certificate of family participation as defined by 24 CFR 882.102.

"Contract rent" means the total rent payable to the owner under the contract for the dwelling unit.

"Dwelling unit" means a residential unit accepted for lease in the program.

"Elderly" means the same as defined by 24 CFR 812.2.

"Eligible family" means a family that qualifies as a lower-income family and meets the requirements of the program.

"Family" means the same as defined by 24 CFR 812.2.

"Family income" means the same as defined in 24 CFR 882.219.

"Gross rent" means the contract rent plus allowances for utilities and other services.

"HUD" means the U. S. Department of Housing and Urban Development.

"Involuntarily displaced" means the same as defined in 24 CFR 882.219.

"Lower-income family" means the same as defined by 24 CFR 882.102.

"Participant" means the same as eligible family as was accepted and participating in the program.

"Program" means the section 8 housing assistance payment program for existing housing and new construction programs.

"Rent" means the same as defined in 24 CFR 882.219.

"Security deposit" means the deposit required by an owner from a participant for the costs of loss or damage to the dwelling unit.

"Substandard housing" means the same as defined in 24 CFR 882.219.

"Utility allowance" means the quantity of utilities such as electricity, gas, and water costs that are included in the gross rent of the participant." [Eff: 2/18/82; am OCT 31 1988]
(Auth: 24 CFR §§882.102, 882.219 and 812.2) (Imp: HRS §356-21)

§17-511-22 Preference. Eligible families shall be given preference for participation in the program in the order of the dates of their applications if, at the time they are seeking housing assistance, they are:

- (1) involuntarily displaced;
- (2) living in substandard housing; or
- (3) paying more than fifty percent of family income for rent. [Eff: 2/18/82; am **OCT 31 1988**] (Auth: 24 CFR §§882.209 and 882.219) (Imp: 24 CFR §882.204; HRS §356-21)

17-511-24 Family income. The authority shall
determine family income in accordance with 24 CFR
882.219. [Eff: 2/18/82; am OCT 31 1988]
(Auth: 24 CFR §882.219) (Imp: 24 CFR §882.204; HRS
§356-21)